out, of the recent cases. One could hardly have a stronger illustration of the proposition, that Equity has developed a body of substantive law. The Remedial law tends to become in time the Substantive law. This is seen clearly in the case of equitable remedies, and is illustrated again and again by Maitland. In these two books the student is fortunate in having a most helpful presentation of the fundamental principles of Equity. Each supplements the other, and the student should read and compare them, one with the other.

With Maitland as with Langdell, equitable rights are *in personam* and not *in rem.* "Equitable rights and interests," says the former, "are rights *in personam,* but they have a misleading resemblance to rights *in rem.*" (p. 122). Chapters nine, ten and eleven are especially devoted to this, and to the further proposition that the Judicature Act did not abolish the distinction between Law and Equity.

Incidentally, the book is interesting as affording an illustration of the excellence of the lecture system at its best. It is difficult to see why such lectures should not be as stimulating and effective as the Case Method, when properly used. For a student to listen to the unfolding of a subject in an orderly and systematic way by a master, who, dwelling on the main topics, yet sufficiently fills in the gaps, would seem to be quite as useful as for him intensely to study a few cases, and be left in ignorance of their relation to the body of a topic. Both methods have utility, and neither should be used to the exclusion of the other. It would seem that such a course of lectures, after a student has been trained under the Case Method, would supplement and enrich his course.

If, in the lectures on Equity, we see Maitland at his best as a chancery lawyer, in the second part, where he deals with forms of actions, we have him at his best as a legal historian.

There is hardly any part of the common law on which this account of actions will not throw light. It will also be of use to the student of Constitutional Law.

N. A.

AN INTRODUCTION TO THE HISTORY OF THE DEVELOPMENT OF LAW. By HON. M. F. MORRIS. Washington, D. C.: JOHN BYRNE & Co. 1909. pp. 315.

This little work, the outgrowth of lectures delivered in Georgetown University by a Justice of the Court of Appeals of the District of Columbia, is a striking illustration of the conservative habit of mind which may go with legal learning. The currents of modern thought which have transformed the aspect of nature and of human society sweep in vain about the feet of an author who can still refer to the "wholly unsupported and irrational theory of evolution that would develop civilization from barbarism" (p. 11), who finds the highest development of jurisprudence "in the Codes of the three republics of Israel, Athens and Rome" (p. 315), and who would have us "go back to Sinai or to Eden for the source of our municipal law" (p. 17). The reference to the Garden of Eden as a source of municipal law is a little obscure, but we may let that pass and go on to the main thesis or purpose of the work which is to establish the superiority of ancient systems of law over the common law of England and the United States and to trace all that is good in the latter to the influence of the former. In this effort the author, starting with the Ten Commandments, "given by God Himself amid the thunders of Sinai,"

traces with admiration the Law of Nature, which he identifies with the Law of Revelation, through the law of the Oriental monarchies from Babylon to Persia, through the codes of Draco, Lycurgus, and Solon ("In all the annals of law there is no greater name than that of Solon," p. 135) to the codification of the Roman Law under Justinian. This represents, to him, the acme of legal development. The subsequent history of law is only the story of the conquest by Rome of the provinces lost by the barbarian invasions. "Throughout its history liberty and the Roman Law were synonymous terms." The common law was the common enemy, the instrument of tyranny and oppression, and has at length, to the glory of God and the good of humanity, been put down everywhere, in England and America as well as on the continent (p. 303). Not only our probate law and law of inheritance, but our commercial law, the law of bailments and of personal property generally (this "was taken bodily from the code of Justinian") and our entire equity system are purely Roman, while "all the wise legislation that has been enacted in our country within the last one hundred and twenty-five years * * * has been in the main a repeal of feudal rules and usages and a return to the principles, sometimes even to the very letter, of the Roman Law" (p. 294). And now that, "by means of statutory enactment, all the distinctive features of the common law have been eliminated from our jurisprudence" (p. 296), the triumph of Rome over the barbarians may be regarded as complete. *Vae Victis!* It is a tragic tale and well told. But there are no references, no list of authorities, no index—serious defects in so learned a work.

G. W. K.

THE CIVIL CODE OF THE GERMAN EMPIRE. Translated by WALTER LOEWY, LL.B. (University of Pennsylvania), J. U. D. (Heidelberg). Boston, Mass.: THE BOSTON BOOK CO. 1909. pp. lxxi, 689.

When the special committee of the Pennsylvania Bar Association and of the Law School of the University of Pennsylvania decided to procure and publish a translation of the German civil code, they could not have known that the same work had been undertaken by Dr. Chung Hui Wang, who published a very good translation in 1907. Otherwise, in order to avoid duplication of effort in the field of comparative jurisprudence, they would doubtless have turned their attention to some other of the numerous foreign law-books of which no English versions exist.

An examination of a few titles of Dr. Loewy's translation shows that it is, on the whole, as might have been expected from his qualifications, intelligent and fairly accurate. There are, however, not a few infelicitous renderings, some of which are misleading, and there are occasional mistakes.

"Installments" does not give the special meaning of *Auszugsleistungen* in sec. 197. Dr. Wang translates: "recurrent acts of performance stipulated for in the transfer of a farm," which at least gives a hint of the meaning. The German phrase is a substitute for the more familiar *Altenteile*: it describes the reservation of lodging, food, etc. commonly made when the old folk "draw out" of the conduct of a farm (or, possibly, of a shop) and turn it over to their children. The matter is fully explained in the "Motives" published with the first draft (vol. ii, p. 636).